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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,451	11/12/2003	David Howell	124.1032	7996
22846	7590	03/17/2006	EXAMINER	
BRIAN ROFFE, ESQ 11 SUNRISE PLAZA, SUITE 303 VALLEY STREAM, NY 11580-6170			NGUYEN, JIMMY H	
			ART UNIT	PAPER NUMBER
			2673	

DATE MAILED: 03/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/706,451

Applicant(s)

HOWELL, DAVID

Examiner

Jimmy H. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 November 2005.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-14 and 21-23 is/are rejected.  
7) ☒ Claim(s) 15-20 is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This Office Action is made in response to applicant's amendment filed on 11/14/2005.

Claims 1-28 are currently pending in the application. An action follows below:

#### ***Allowable Subject Matter***

2. The indicated allowability of claims 15-20 in the Office Action dated 7/25/2005 is withdrawn in light of the amendment filed 11/14/2005, which necessitated the new ground(s) of rejection presented in this Office action.

#### ***Specification***

3. The amendment filed 11/14/2005 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: "input signals from the UUT 24, which are in a form of unprocessable by the PVGA 12, ... processable thereby", see page 2, lines 10-14, of the amendment.

Applicant is required to cancel the new matter in the reply to this Office Action.

#### ***Drawings***

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the features, "signals between a form processable by the at least one video device but unprocessable by said video generator and analyzer and a form processable by said video generator and analyzer but unprocessable by the at least one video device" recited in lines 7-12 of claim 1 and in the last 5 lines of claim 21 and

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“overlaying of grids” recited in line 3 of claim 22, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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As per claims above, it is not clear what the applicant means “to convert signals between a form processable by the at least one video device but unprocessable by said video generator and analyzer and between a form processable by said video generator and analyzer but unprocessable by the at least one video device” in the manner as recited in lines 7-12 of claim 1 and in the last 5 lines of claim 21, i.e., what form of the signals is considered to be processable or unprocessable by the at least one video device or by said video generator and analyzer.

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. Claims 1-27 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding to claims above, the disclosure, when filed, does not fairly convey to one of ordinary skill in the art that applicants had in their possession the claimed features, “said signal conditioner/switching ... including at least one emulator arranged ... to convert signals between a form processable by the at least one video device but unprocessable by said video generator and analyzer and a form processable by said video generator and analyzer but unprocessable by the at least one video device” presently recited in lines 7-12 of claim 1 and similarly recited in last 5 lines of claim 21. There is nowhere in the original disclosure to teach signals being unprocessable by either the video generator and analyzer or by the video device. Note that even

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the video display being tested is provided an image signal having different (or mismatched) scan format, voltage levels, and/or timing signals from the characteristics (or specifications) of the tested video display, the image signal received by the video display is still processed; however, the image being displayed on the vide display may not be good as desired. Accordingly, the original disclosure does not contain such description and details regarding to the above underlined feature of independent claims 1 and 21, so as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claim 28 is rejected under 35 U.S.C. 102(b) as being anticipated by Howell et al. (US 6,396,536 B1), hereinafter Howell.

Regarding to claim above, as noting in Fig. 1, Howell discloses a portable equipment (corresponding to the claimed portable analyzer for testing video devices) comprising a housing of video asset 10 (corresponding to the claimed portable chassis, see fig. 1); a combination of elements 16, 18, 20, 22, 26 and three sets of output channels (3, 3, and 5) (corresponding to the claimed programmable video generator and analyzer, see Fig. 1); a serial data interface (24) (corresponding to the claimed command module, see Fig. 1); and a host computer (12) corresponding to the claimed portable computer and including a screen for displaying the test

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image (column 1, lines 16-19). Howell further teaches the programmable video generator and analyzer comprising generating means which includes a primary raster video generator (16), a secondary raster video generator and timer module (18), a stroke generator (20), and a distributed time base (26) (all shown in fig. 1), for generating various forms of video test signals (see col. 5, line 14 through col. 13, line 56). Howell further teaches a signal conditioner/switching device (a device including elements 16, 18, 20, and three sets of output channels 3, 3, 5, see Fig. 1) including a digital multi-meter emulator (an emulator including elements 18 and the corresponding three output channels, see Figs. 1 and 12), a counter/timer emulator (an emulator including elements 20 and the corresponding three output channels, see Figs. 1 and 10), and a digitizer/oscilloscope emulator (an emulator including elements 16 and the corresponding 5 output channels, see Figs. 1 and 3). Accordingly, the elements in the claim are read in the reference.

### ***Response to Arguments***

11. With respect to the request to withdraw the drawing objection in the Office Action dated 7/25/2005, see page 9 of the amendment, the drawing objection is maintained for the reason of failing to show "overlaying of grids" as presently recited in claim 22.

12. It is noted Applicant that the claim objections and the rejection under 35 USC 112, second paragraph, in the previous Office action dated 7/25/2005, have been rendered moot in light of the amendments to objected/rejected claims. The claim objections and the rejection under 35 USC 112, second paragraph, in the previous Office action dated 07/25/2005 are hereby withdrawn.

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13. Applicant's arguments with respect to claims 1-14 and 21-23, see page 10-11 of the amendment, have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jimmy H. Nguyen whose telephone number is 571-272-7675. The examiner can normally be reached on Monday - Thursday, 8:00 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached at 571-272-7681. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

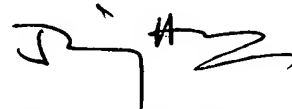
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications



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may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JHN  
March 10, 2006

A handwritten signature in black ink, appearing to read 'JHN' followed by a stylized flourish.

Jimmy H. Nguyen  
Primary Examiner  
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